



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,248	07/19/2001	Biswa R. Banerjee	11465/491	9312

7590 03/13/2003

Patent Administrator
Suite 1600
525 West Monroe Street
Chicago, IL 60661-3693

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,248

Applicant(s)

BANERJEE ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/05/03 has been entered.

Claim Objections

2. Claim 6 is objected to because of the following informalities: at line 11 of the marked up copy of claim 6 applicant left (ii) while applicant deleted (i) earlier in the claim, thus, "(ii)" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6:

At lines 7-8 of the marked up copy (page 2) applicant added in response to said application program running on said remote host computer. However, this is technically

Art Unit: 2672

incorrect because the act of the application program running on the host computer does not cause the hand held device's controller to provide an image on the display device, but, instead the received response causes the controller to provide an image on the display device.

Claim 7:

At lines 1-2 it is not clear if said wireless receiver and transmitter circuit is the hand held unit's of the wireless receiver and transmitter circuit or the host computer's wireless receiver and transmitter circuit.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by McCain, U.S. Patent No. 5,309,351. This reference with an effective filing date of October 27, 1988 describes a portable touch screen display which uses an infrared link as a connection to a host computer implemented with either a satellite node or a local computer having appropriate wireless node capability (column 7 lines 2-3 and column 6

Art Unit: 2672

line 65 to column 7 line 10). The host computer performs application processing with selectable multiple applications (column 9 lines 27-60 and column 7 lines 4-10) and provides display information to the portable touch screen display via the infrared link. Especially note column 7 lines 30-33 and lines 58-60 and column 9 lines 46-47 and column 10 lines 41-46 which describes a portable unit constructed of a minimum of parts with limited processing capability. A detailed analysis of the claims follows.

Claim 1:

Pending claim 1	McCain, U.S. Patent No. 5,309,351
1 . (Twice Amended) A mobile user interface device for interfacing with a remote host computer having a wireless interface, comprising:	Hand held units 60, 61 are mobile units that interface with a host computer having a wireless interface, satellite units 10, 20, 55 and the local PC 53 are the host computer's wireless interface to the hand held units. See figure 3, column 3 line 65 to column 4 line 31 and column 6 line 56 to column 7 line 10.
a graphical display subsystem including a graphical display for displaying an image;	Figure 4 illustrates the hand held unit as having a graphical display subsystem (LCD controller 35) that is for displaying images on the graphics display device, LCD screen 36, column 8 lines 6-20.
an input subsystem including a stylus for receiving from a user, positional data representing spatial positions of said stylus;	Figure 4 illustrates the hand held unit as having an input device, touch scanner 39 column 8 lines 6-9, together the display and touch scanner form a touch sensitive screen, column 8 line 9. The touch sensitive screen requires a stylus such as a pen or finger to touch the touch sensitive screen in order for the user to select graphic key pads, menu items, text, or graphic figures, column 8 lines 10-20.
a wireless communication subsystem for establishing a wireless communications link directly with said remote host computer for sending data to and receiving data from said remote host computer over a wireless communication link; and	The hand held unit's wireless subsystem 42 establishes wireless communications with the remote host computer for sending data to the host computer and for receiving data from the host computer. Column 6 line 56 to column 7 line 10. McCain

Art Unit: 2672

	teaches establishing a wireless communications link directly from the hand held unit to the wireless receiver of the host computer. The wireless receiver of the host computer is satellite 55, column 6 lines 15-35 and line 56 to column 7 line 10. Thus, McCain teaches establishing a wireless communications link directly from the hand held unit to the host computer.
a controller for controlling operations of said graphical display subsystem, said input subsystem and said wireless communication subsystem, said controller	The hand held unit's processor 31 controls functions of the hand held unit, column 7 lines 38-40. The functions controlled are inherently the display subsystem 35, the input subsystem 39 and the wireless subsystem 42.
(i) causing said wireless communication to be created;	Processor 31 causes wireless communication between the hand held unit and the host computer, column 7 lines 52-54.
(ii) causing said application program to be run on said remote host computer;	Processor 31 causes the application program to be run on the host computer by sending data in response to user selection of a menu item, column 6 line 56 to column 7 line 10.
(iii) receiving from said input subsystem said positional data,	Processor 31 receives positional data corresponding to the location the user touched on the touch sensitive scanner 39.
providing a response to said user in acknowledgement of said positional data,	Processor 31 provides a response to the user after positional data has been received in response to the user touching a display item, column 8 lines 14-20.
and transmitting over said wireless communication link from said application program data representing said image, and	The host computer transmits screens of images to the hand held terminal, column 7 lines 6-15.
causing said graphical display subsystem to display said image on said graphical display.	Processor 31 causes the LCD control 35 to display images on display 36 in response to the received screens.

Claim 6:

Pending claim 6	McCain, U.S. Patent No. 5,309,351
6. (Twice Amended) A computer system comprising:	The hand held units, local PCs and host computer are a computer system.
A hand-held interface device comprising	Hand held unit 17, 60, 61.
(i) a display device;	Figure 4 illustrates the hand held unit as having a display device, LCD screen 36c column 8 lines 7 and 25.
(ii) an input device;	Figure 4 illustrates the hand held unit as having an input device, touch scanner 39 column 8 lines 6-9, together the display and touch scanner form a touch sensitive screen, column 8 line 9
(iii) a wireless receiver and transmitter circuit for transmitting data from said input device to an application program running on a remote host computer and	The wireless interface circuit 42 is a wireless receiver and transmitter circuit, column 7 lines 52-54, that transmits data from the input device to an application running on a remote host computer, column 6 line 56 to column 7 line 37 and column 7 lines 61-68.
receiving a response to said data from said application program running on said remote host computer; and	The hand held unit's wireless interface circuit 42 receives data from the application program running on the host computer, column 7 lines 6-10.
(iv) a controller for providing an image on said display device in response to said application program running on said remote host computer; and	The received data from the host computer is displayed on the LCD screen, column 7 lines 6-10.
a remote host computer having a wireless receiver and transmitter circuit for communication with said hand held interface; and	The host computer has a wireless receiver and transmitter circuit at the satellite or the local PC. Column 6 line 68 to column 7 line 3.
(ii) means for modifying said image.	The host computer modifies the image by sending screens of data which show the status of the application program running on the host computer and which request data input, column 7 lines 6-10.

Art Unit: 2672

Claim 7:

Pending claim 7	McCain, U.S. Patent No. 5,309,351
7. (Twice Amended) A computer system as recited in claim 6,	
wherein said wireless receiver and transmitter circuit is configured to be accessed by said remote host computer as a shared resource on a local area network.	The satellite units 10, 20, 55 and the local PC 53 are a shared resource on a local area network accessed by the host computer. See figure 3, column 3 line 65 to column 4 line 31 and column 6 line 68 to column 7 line 3. Network #1 and network #2 are local area networks. Satellite 55 is connected to network #1, column 4 lines 3-6. Column 2 line 60 describe Ethernet, MAP and token ring networks.

Response to Arguments

7. Applicant's arguments filed 02/05/03 have been considered but they are deemed not to be persuasive.

Claim 7:

This claim claims the wireless receiver and transmitter circuit is configured to be accessed by said remote host computer as a shared resource on a local area network, thus, the claimed wireless receiver and transmitter circuit is McCain's satellite wireless receiver and transmitter circuit 55. Thus, applicants arguments concerning the direct wireless connection between the hand held unit and the host computer is not persuasive.

Claims 1 and 6:

Applicants arguments concerning the direct wireless connection between the hand held unit and the host computer is not persuasive. McCain teaches establishing a

Art Unit: 2672

wireless communications link directly from the hand held unit to the wireless receiver of the host computer. The wireless receiver of the host computer is satellite 55, column 6 lines 15-35 and line 56 to column 7 line 10. It is clear from applicants figure 1a that host computer 101 is made up of several parts including a CPU 116 and memory 117 which is the computer of block 101 and a wireless receiver and transmitter circuit 115. The wireless receiver and transmitter circuit 115 allows wireless communication between the computer 116,117 and the hand held unit 100. At page 10 lines 3-7 applicant states the wireless receiver and transmitter circuit 15 can be in host computer 101 or a shared resource on a LAN. In view of applicant's figure 1a wireless receiver and transmitter circuit 115 is not at the CPU 116 but is electrically connected to the CPU 116 via an electrical communication path such as a network. In view of claim 7 it is clear the scope of this claim includes having the wireless receiver and transmitter circuit 115 in the host computer and having wireless receiver and transmitter circuit 115 as a shared resource. Thus, McCain teaches establishing a wireless communications link directly from the hand held unit to the host computer.

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued

examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

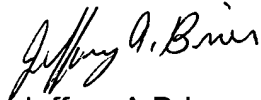
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Art Unit: 2672

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672